

From: Tod Milam
To: Microsoft ATR
Date: 1/23/02 9:43am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I do not believe the measures are strong enough to encourage competition and prevent Microsoft from continuing their anti-competitive practices.

One specific example is in section III.2:

" shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; or"
where Microsoft is to be prevented from retaliating against OEMs who ship non-Microsoft Operating Systems in addition to Windows Operating Systems.

As written, this does not stop Microsoft from retaliating against an OEM who ships some Personal Computers with Windows Operating Systems and some other Personal Computers with a single non-Microsoft Operating System. The wording is too restrictive. Any OEM who wants to ship a Windows Operating System with any of their Personal Computers to ship it with **all** of their Personal Computers so that they avoid any retaliation by Microsoft. This completely undermines the original intent of the settlement.

There are many more similar items in the settlement, but even one should be enough to stop this from being accepted as the final settlement.

Sincerely,

Tod Milam
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